

Amendments to the Claims:**RECEIVED  
CENTRAL FAX CENTER**

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1. (Cancelled)
2. (Previously Amended) The article of claim 49, wherein said first frozen pellets further comprise a cream fluid.
3. (Previously Amended) The article of claim 49, wherein the combined amount of said cream fluid and said milk fluid is from about 62% to about 90% by weight of said first frozen pellets.
4. (Original) The article of claim 3, wherein the combined amount of said cream fluid and said milk fluid is from about 80% to about 87% by weight of said first frozen pellets.
5. (Cancelled)
6. (Previously Amended) The article of claim 49, wherein said first and second frozen pellet shapes are independently selected from the group consisting of spheres, ovals, and cubes.
7. (Previously Amended) The article of claim 49, further comprising a container.
8. (Previously Amended) The article of claim 7, further comprising an insulated carrier for said container.
9. (Previously Amended) The article of claim 6, wherein said pellet shapes are spheres and have a diameter of from about 1 to about 20 mm.
10. (Previously Amended) The article of claim 49, wherein said first frozen pellets are present in an amount of about 60% to about 70% by weight of the amount of said second frozen pellets.
11. (Previously Amended) The article of claim 49, further comprising a container for mixing said first and second frozen pellets.

#2152716

2

12. (Original) The article of claim 11, wherein said container comprises a cover.
13. (Original) The article of claim 12, further comprising a straw.
14. (Previously Amended) The article of claim 49, wherein said milk fluid of said first or second frozen pellets is whole milk.
15. (Cancelled)
16. (Previously Amended) The article of claim 49, wherein said stabilizer mix of said first or second frozen pellets comprises a gum.
17. (Original) The article of claim 2, wherein said cream fluid is heavy cream.
18. (Previously Amended) The article of claim 49, wherein said first frozen pellets comprise:
  - a) said sweetener at about 10% to about 25% by weight; and
  - b) said stabilizer mix at about 0.15% to about 2% by weight.
19. (Previously Amended) The article of claim 49, wherein said second frozen pellets comprise:
  - a) said sweetener at about 10% to about 20% by weight; and
  - b) said stabilizer mix at about 0.2% to about 0.6% by weight.
20. (Cancelled)
21. (Previously Amended) The article of claim 49, wherein said article contains an amount of said first and said second frozen pellets sufficient to produce a single serving of said frozen beverage.
22. (Previously Amended) The article of claim 49, wherein said article contains an amount of said first and said second component sufficient to produce multiple servings of said frozen beverage.
23. (Withdrawn) A method for making a frozen beverage comprising:

#2152716

a) providing first frozen pellets comprising a milk fluid, a sweetener, a flavoring, and a stabilizer mix, wherein said milk fluid is about 25% to about 78% by weight of said first frozen pellets;

b) providing second frozen pellets comprising a milk fluid, a sweetener, and a stabilizer mix, wherein said milk fluid is about 60% to about 85% by weight of said second frozen pellets;

c) providing a liquid; and

d) mixing said first frozen pellets, said second frozen pellets, and said liquid for a time sufficient to result in a substantially homogeneous frozen beverage.

24. (Withdrawn) The method of claim 23, wherein said first and second frozen pellets are, independently, pellets of relatively uniform shape and size.

25. (Withdrawn) The method of claim 24, wherein said liquid is selected from the group consisting of water, milk, skim milk, 1% milk, 2% milk, heavy cream, light cream, half and half, soy milk, juice, yogurt juice, and mixtures thereof.

26. (Withdrawn) The method of claim 23, wherein said mixing is achieved by manual or mechanical mixing, stirring, and shaking.

27. (Withdrawn) The method of claim 23, wherein said first frozen pellets are provided at about 60% to about 70% by weight of said second frozen pellets.

28. (Withdrawn) The method of claim 23, wherein said liquid is provided in an amount of about 50% to about 150% by weight of the combined weight of said first and second frozen pellets.

29. (Withdrawn) The method of claim 23, wherein said mixing occurs for a time from about 10 seconds to about 2 minutes.

30. (Withdrawn) The method of claim 23, further comprising providing flavoring particulates selected from the group consisting of fruit and confections prior to said mixing.

31. (Cancelled)

32. (Previously Amended) The article of claim 50, wherein said frozen pellets further comprise a cream fluid.

33. (Original) The article of claim 32, wherein the combined amount of said cream fluid and said milk fluid is from about 62% to about 90% by weight of said frozen pellets.

34. (Original) The article of claim 33, wherein the combined amount of said cream fluid and said milk fluid is from about 80% to about 87% by weight of said frozen pellets.

35. (Previously Amended) The article of claim 50, wherein said frozen pellets comprise:

- a) said sweetener at about 10% to about 25% by weight; and
- b) said stabilizer mix at about 0.15% to about 2% by weight.

36. (Cancelled)

37. (Previously Amended) The article of claim 51, further comprising an insulated carrier for said container.

38. (Previously Amended) The article of claim 37, further comprising instructions for the preparation of said frozen beverage.

39. (Withdrawn) A method of making frozen pellets for frozen beverage preparation comprising:

- a) providing a sweetener component, said sweetener component comprising a sweetener and a stabilizer mix;
- b) providing a fluid component, said fluid component comprising a milk fluid;
- c) mixing said sweetener component and said fluid component; and
- d) forming frozen pellets from said mixture of step c).

40. (Withdrawn) The method of claim 39, wherein said fluid component further comprises a cream fluid.

#2152716

5

41. (Withdrawn) The method of claim 39, further comprising providing a flavoring and mixing said flavoring with said mixture of step c).

42. (Withdrawn) The method of claim 39, wherein said sweetener component further comprises a flavoring.

43. (Withdrawn) The method of claim 39, further comprising packaging said frozen pellets in a container.

44. (Cancelled)

45. (Cancelled)

46. (Cancelled)

47. (Cancelled)

48. (Cancelled)

49. (Currently Amended) An article of manufacture for preparing a frozen beverage comprising:

a. first frozen pellets, said first frozen pellets comprising:

i. a milk fluid, said milk fluid being about 25% to about 78% by weight of said first frozen pellets;

ii. inulin, said inulin being about 0.1% to about 10% by weight of said first frozen pellets and providing fiber, sweetness and slowing the melting rate raising the melting point of said first frozen pellets relative to an equivalent weight percentage of sucrose;

iii. a sweetener

iv. a flavoring; and

v. a stabilizer mix;

said first frozen pellets being of relatively uniform size and shape and being unaerated; and

b. second frozen pellets, said second frozen pellets comprising:

#2152716

6

i. a milk fluid, said milk fluid being about 60% to about 85% by weight of said second frozen pellets;

ii. inulin, said inulin being about 0.1% to about 10% by weight of said second frozen pellets and providing fiber, sweetness and slowing the melting rate raising the melting point of said first frozen pellets relative to an equivalent weight percentage of sucrose; and

iii. a sweetener;

iv. a flavoring;

v. a stabilizer mix;

said second frozen pellets being of relatively uniform size and shape and being unaerated; and

said second frozen pellets being of different milk fluid percentage composition than said first frozen pellets.

50. (Currently Amended) An article of manufacture for preparing a frozen beverage comprising:

first frozen pellets, said first frozen pellets comprising:

i. a milk fluid, said milk fluid being about 25% to about 78% by weight of said first frozen pellets;

ii. inulin, said inulin being about 0.1% to about 10% by weight of said first frozen pellets and providing fiber, sweetness and slowing the melting rate raising the melting point of said first frozen pellets relative to an equivalent weight percentage of sucrose;

iii. a sweetener;

iv. a flavoring; and

iv. a stabilizer mix;

said first frozen pellets being of relatively uniform size and shape, being unaerated, and being formed in liquid nitrogen.

51. (Currently Amended) An article of manufacture comprising:

a container for preparing a frozen beverage, said container having

therein first frozen pellets, said first frozen pellets comprising:

i. a milk fluid, said milk fluid being about 25% to about 78% by weight of said first frozen pellets;

ii. inulin, said inulin being about 0.1% to about 10% by weight of said first frozen pellets and providing fiber, sweetness and slowing the melting rate raising the melting point of said first frozen pellets relative to an equivalent weight percentage of sucrose;

- iii. a sweetener;
- iv. a flavoring; and
- iv. a stabilizer mix;

said first frozen pellets being of relatively uniform size and shape, being unaerated, and being formed in liquid nitrogen.

52. (Previously Presented) The article of claim 11, further comprising an insulated carrier for said container.

53. (Previously Presented) The article of claim 52, further comprising instructions for the preparation of said frozen beverage.

54. (Previously Presented) The article of claim 49 wherein said inulin in said frozen pellets is present at about 3.50 percent by weight of said frozen pellets.

55. (Currently Amended) The article of claim 50 wherein said inulin in said first frozen pellets is present at about 3.50 percent by weight of said first frozen pellets.

56. (Currently Amended) The article of claim 51 wherein said inulin in said first frozen pellets is present at about 3.50 percent by weight of said first frozen pellets.

57. (Previously Presented) The article of claim 55 further comprising:

- i. a container for mixing said frozen pellets; and
- ii. an insulated carrier for said container.